

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:	§	
	§	CASE NO. 16-34624
INLAND ENVIRONMENTAL AND	§	
REMEDIATION, INC.	§	
	§	CHAPTER 11
Debtor	§	

**JOINT MOTION OF DEBTOR AND JOHN DEERE CONSTRUCTION & FORESTRY
COMPANY FOR APPROVAL OF AGREED ORDER ABANDONING
CERTAIN PERSONAL PROPERTY OF THE ESTATE**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

THIS MOTION SEEKS AN ORDER THAT MAY ADVERSELY AFFECT YOU. IF YOU OPPOSE THE MOTION, YOU SHOULD IMMEDIATELY CONTACT THE MOVING PARTY TO RESOLVE THE DISPUTE. IF YOU AND THE MOVING PARTY CANNOT AGREE, YOU MUST FILE A RESPONSE AND SEND A COPY TO THE MOVING PARTY. YOU MUST FILE AND SERVE YOUR RESPONSE WITHIN 21 DAYS OF THE DATE THIS WAS SERVED ON YOU. YOUR RESPONSE MUST STATE WHY THE MOTION SHOULD NOT BE GRANTED. IF YOU DO NOT FILE A TIMELY RESPONSE, THE RELIEF MAY BE GRANTED WITHOUT FURTHER NOTICE TO YOU. IF YOU OPPOSE THE MOTION AND HAVE NOT REACHED AN AGREEMENT, YOU MUST ATTEND THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE COURT MAY CONSIDER EVIDENCE AT THE HEARING AND MAY DECIDE THE MOTION AT THE HEARING.

REPRESENTED PARTIES SHOULD ACT THROUGH THEIR ATTORNEY.

TO THE HONORABLE JEFF BOHM
UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, Inland Environmental and Remediation, Inc., the Chapter 11 Debtor herein and John Deere Construction & Forestry (“Deere”), a party in interest herein, files this Joint Motion for Approval of Agreed Order permitting Debtor to abandon certain personal property of the estate pursuant to Bankruptcy Rule 6007(a) and 11 U.S.C. § 554(a) and in

support thereof respectfully shows the Court the following:

1. Jurisdiction is conferred on this Court pursuant to 28 U.S.C. §§ 157 and 1334.

This is a core proceeding under 28 U.S.C. § 157(b)(2).

2. Venue is proper in this Court pursuant to 28 U.S.C. §§ 1408 and 1409.

3. The Debtor filed a voluntary petition under Chapter 11 of the United States Bankruptcy Code on September 14, 2016. From and since the date of the petition, except as provided herein, Debtor has maintained possession of its property and continues to remain in control of its ongoing business affairs as Debtor in-possession pursuant to the provisions of 11 U.S.C. §§ 1107 and 1108.

4. On or about October 11, 2016 Debtor filed its schedules and statement of financial affairs.

5. The Debtor has agreed to abandon certain personal property consisting of the following four (4) pieces of which were repossessed by Deere in November, 2015 (the “Equipment”): One John Deere Model 844K Wheel Loader s/n 1DW844KXKDE655784; and three John Deere 460E Articulated Dump Trucks, Vin Nos. 1DW460ETKCE649332, 1DW4SOETVCE649559 and 1DW460ETEDE650587. Deere gave its notices of sale many months ago. However, due to the nature of the Equipment, completion of the sales of the Equipment have not occurred.

6. The Debtor seeks authority to abandon the equipment pursuant to Bankruptcy Rule 6007 and 11 U.S.C. § 554(a) pursuant to an agreement with Deere, as a party-in interest. Bankruptcy Code section 554(a) provides that a trustee may abandon “property of the estate that is burdensome to the estate or that is of inconsequential value and benefit to the

estate.” 11 U.S.C. § 554(a).

7. The Debtor has not had use of the Equipment for almost a year and has no equity in the Equipment. Consequently, the Debtor has determined the Equipment is of inconsequential value or benefit to the estate, and should therefore be abandoned. Further, any recover of, retention of the Equipment would be burdensome to the bankruptcy estate. Deere repossessed the Equipment in November of 2015 and has already given its notices of sale. Therefore, the Debtor, along with Deere, seek approval of their agreement to abandon the Equipment, to the extent such Equipment is property of the bankruptcy estate, and hereby give notice of the proposed abandonment. A copy of the Agreed Order abandoning the equipment is attached to this Motion.

8. By this motion, the Debtor does not at this time intend to abandon any claims, causes of action, receivables, licenses or other intangibles that may comprise the Debtor’s bankruptcy estate, or any subsequently discovered assets of the Debtor’s estate.

9. The parties request the Court approve the Agreed Order abandoning the Equipment.

WHEREFORE PREMISES CONSIDERED, Debtor and Deere respectfully request that the Court approve Debtor’s the Agreed Order abandoning the Equipment and grant the parties such other and further relief, both general and special to which it may be justly entitled.

Respectfully submitted,

By: /s/ Richard L. Fuqua

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ATTORNEY FOR DEBTOR

LAW OFFICES OF T. H. KELLEY, P.C.

By: /s/ Teri H. Kelley

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**ATTORNEY FOR JOHN DEERE
CONSTRUCTION & FORESTRY COMPANY**

CERTIFICATE OF SERVICE

I hereby certify that on December 5, 2016, a true and correct copy of the above and foregoing Joint Motion of Debtor and John Deere Construction & Forestry Company for Approval of Agreed Order Abandoning Certain Personal Property of the Estate was served on the following parties by the following means:

Debtor (by regular first class mail)

Inland Environmental and Remediation, Inc.
1022 Schultz Road
Columbus, TX 78934

Debtor's Attorney (Via ECF)

Richard L. Fuqua whose email address is fuqua@fuqualegal.com

U.S. Trustee (Via regular first class mail & ECF)

Christine March whose email address is: christine.a.march@usdoj.gov
Office of the U.S. Trustee
515 Rusk, Ste 3516
Houston, TX 77002

Counsel for Counsel for Official Committee of Unsecured Creditors Committee(Via ECF)

Bennett G. Fischer whose email address is bgf@fisherlaw.net

Official Committee of Unsecured Creditors:

Cook-Joyce, Inc., c/o Stacey Granger, whose email is; stacey.granger@cook-joyce.com
Cinco J d/b/a Johnson Oil Co., c/o Debra Goodwin whose email is: dgoodwin@joc-tigertote.com
Fitzgerald Trucking Inc., c/o Holly Fitzgerald whose email is: hollyn.fitzgerald@att.net

Other parties requesting notice(Via ECF)

Owen Sonik whose email is: osonik@pbfcml.com
Gregory M. Weinstein whose email is: gweinstein@weinrad.com
Jeffrey D. Stewart whose email is: jstewart@wellscellar.com
William S. Chesney whose email is: wchesney@felct.com
John Castillo whose email is: jcastillo@fcbtxlaw.com
Steven A. Leyh whose email is: sleyh@leyh-payne.com

All other creditors and parties in interest (via the Court's ECF filing system or by regular first class mail as set forth on attached service list.)

/s/ Teri H. Kelley
Teri H. Kelley

Label Matrix for local noticing

0541-4

Case 16-34624

Southern District of Texas

Houston

Mon Dec 5 10:50:47 CST 2016

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Colorado County and Milano Independent Schoo

c/o John T. Banks

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Austin, TX 78731-4954

G&K Services, Co

Attn: Russell Harsch

7355 Denny St.

Houston, Tx 77040-4848

Komatsu Financial Limited Partnership
c/o Ben L. Aderholt
9 Greenway Plaza
Suite 1100
Houston, TX 77046-3653

Maverick Field Services, LLC and Maverick Fi
c/o Matthew T. Taplett, Esq.
500 W. 7th St. #600
Fort Worth, TX 76102-4751

ADP Inc.
P.O. Box 842875
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ARA Transportation
1000 River Rd Ste L
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AT & T Mobility
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Carol Stream, IL 60197-6463

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c/o AT&T Services, Inc.
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ATT-2576
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ATL-Transportation LLC
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Kyle, TX 78640-0617

ATT-2798
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Action Resources, Inc.
Dept # 1563
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(p)AIRGAS USA LLC
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TULSA OK 74119-1106

Alamo Lumber Company
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Allgayer, Inc
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Amp Control Electric Ltd.
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Aqua Beverage Company
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El Campo, TX 77437-4141

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Spring Branch, TX 78070-6147

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Levelland, TX 79336-1323

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Texas Disposal Systems Inc.
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Uline Attn: Accts. Receivable
 PO Box 88741
 Chicago, IL 60680-1741

Uline Shipping Supplies
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 Pleasant Prairie, WI 53158-3686

(p)UNITED RENTALS NORTH AMERICA INC
 3200 HARBOR LN N
 MINNEAPOLIS MN 55447-5295

Unum Life Insurance Company
PO Box 409548
Atlanta, GA 30384-9548

Waukesha-Pearce Industries Inc
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Waukesha-Pearce Industries, Inc.
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Houston, TX 77235-5068
7 77235-5068

Wells Fargo Equipment Finance
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IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IN RE: § § CASE NO. 16-34624
INLAND ENVIRONMENTAL AND § §
REMEDIATION, INC. § § CHAPTER 11
Debtor § §

**AGREED ORDER ON JOINT MOTION OF DEBTOR AND JOHN DEERE
CONSTRUCTION & FORESTRY COMPANY FOR APPROVAL OF AGREED ORDER
ABANDONING CERTAIN PERSONAL PROPERTY OF THE ESTATE**

Came on for consideration the Joint Motion of Debtor and John Deere Construction and Forestry Company for Approval of Agreed Order Abandoning Certain Personal Property of the Estate, and the Court finds that notice of the Motion was sufficient and there having been no timely objection or other response to the Motion, the allegations in the Motion stand unopposed, and therefore finds the below described property burdensome to the estate, and is of inconsequential value and benefit to the estate; and the Court is of the opinion that this Agreed Order should be approved.

IT IS THEREFORE ORDERED ADJUDGED AND DECREED THAT the following described property is hereby **DEEMED ABANDONED:**

1. One John Deere Model 844K Wheel Loader s/n 1DW844KXKDE655784;
2. Three John Deere 460E Articulated Dump Trucks, Vin Nos. 1DW460ETKCE649332, 1DW4SOETVCE649559 and 1DW460ETEDE650587

SIGNED this ____ day of _____, 2016.

Jeff Bohm
U.S. Bankruptcy Judge

APPROVED AND AGREED AS TO SUBSTANCE AND FORM:

By: /s/ Richard L. Fuqua

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